



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 6065-99

13 June 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 6 June 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 23 January 1982 at the age of 18. Your record reflects that you served for a year and three months without incident until on 28 April 1983 when you received nonjudicial punishment (NJP) for wrongful use of marijuana and were awarded reduction in rate, forfeiture of one month of pay, restriction and extra duty for 45 days, and a written admonition. A portion of the punishment was suspended for six months. On 29 September 1983 you received NJP for two specifications of failure to obey a lawful order and were awarded forfeitures totalling \$100.

Your record further reflects that during the period from 19 January to 1 March 1984 you received NJP on three occasions for three periods of absence from your appointed place of duty and failure to obey a lawful order.

On 2 February 1984 you were notified of pending administrative separation action by reason of misconduct due to minor infractions and drug abuse. After consulting with legal counsel, you waived your right to present your case to an administrative

discharge board (ADB). On 9 March 1984 your commanding officer recommended you be issued an other than honorable discharge by reason of misconduct due to drug abuse and frequent involvement of a discreditable nature with military authorities. The discharge authority approved this recommendation and directed your commanding officer to issue you an other than honorable discharge. On 14 May 1984 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that you would like your discharge upgraded. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your frequent misconduct, which resulted in five NJPs. Given all the circumstances of your case, the Board concluded the your discharge was proper and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director